

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY)	MDL DOCKET NO. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	Master File No. 01-CV-12257
)	Subcategory Case No. 06-CV-11337
)	
THIS DOCUMENT RELATES TO:)	Judge Patti B. Saris
)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>)	Magistrate Judge Marianne B. Bowler
<i>Inc. v. Abbott Laboratories, Inc., et al.,</i> No.)	
06-CV-11337-PBS)	
)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>)	
<i>Inc. v. Dey, Inc., et al.,</i> No. 05-CV-11084-)	
PBS; and)	
)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>)	
<i>Inc. v. Boehringer Ingelheim Corp. et al.,</i>)	
No. 07-CV-10248-PBS)	

**DEFENDANTS' NOTICE OF FILING DECLARATION
OF DAVID S. TORBORG SUBMITTING EXHIBITS IN SUPPORT OF
DEFENDANTS' COMBINED SUR-REPLY TO THE UNITED STATES'
MOTIONS FOR PARTIAL SUMMARY JUDGMENT**

Defendants hereby give notice of the filing of the attached Declaration of David S. Torborg Submitting Exhibits in Support of Defendants' Combined Sur-Reply to the United States' Motions for Partial Summary Judgment. Attached hereto is Exhibit 1, a listing of Exhibits A through E that are filed in conjunction with *Defendants' Combined Sur-Reply to the United States' Motions for Partial Summary Judgment*, as well as Exhibits A through E.

Dated: October 5, 2009

/s/ Sarah L. Reid

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I, David S. Torborg, an attorney, hereby certify that I caused a true and correct copy of the foregoing to be served on all counsel of record electronically by causing same to be posted via LexisNexis, this 5th day of October, 2009.

/s/ David S. Torborg
David S. Torborg

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY)	MDL DOCKET NO. 1456
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LITIGATION)	Master File No. 01-CV-12257
)	Subcategory Case No. 06-CV-11337
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THIS DOCUMENT RELATES TO:)	Judge Patti B. Saris
)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>)	Magistrate Judge Marianne B. Bowler
<i>Inc. v. Abbott Laboratories, Inc., et al., No.</i>)	
06-CV-11337-PBS)	
)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>)	
<i>Inc. v. Dey, Inc., et al., No. 05-CV-11084-</i>)	
PBS; and)	
)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>)	
<i>Inc. v. Boehringer Ingelheim Corp. et al.,</i>)	
No. 07-CV-10248-PBS)	

**DECLARATION OF DAVID S. TORBORG SUBMITTING EXHIBITS IN SUPPORT
OF DEFENDANTS' COMBINED SUR-REPLY TO THE UNITED STATES'
MOTIONS FOR PARTIAL SUMMARY JUDGMENT**

I, David S. Torborg, an attorney, declare as follows:

1. I am an attorney with the law firm Jones Day, counsel for Defendant Abbott Laboratories Inc. ("Abbott").
2. I am admitted to practice *pro hac vice* before this Court.
3. Attached hereto as Exhibit 1 is a listing of the exhibits filed in conjunction with *Defendants' Combined Sur-Reply to the United States' Motions for Partial Summary Judgment*.
4. Those exhibits, incorporated herein by reference, are true and correct copies of the documents as described in the attached list.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 5, 2009

/s/ David S. Torborg
David S. Torborg

EXHIBIT 1

EXHIBIT	EXHIBIT DESCRIPTION
A	Memorandum to Clyde Reese from Jerry Dubberly (May 27, 2008)
B	Letter to the Honorable Thurbert Baker from Rhonda Medows and attachment (March 31, 2008)
C	Email chain from Jerry Dubberly to jbelinfante@gov.state.ga.us and attachments (July 28, 2008)
D	Memorandum to Mark Trail from Jerry Dubberly (Aug. 2, 2004)
E	Letter to Mr. Finley from Charemon Grant (Undated)